

Message Text

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ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 L-02 H-02 SCA-01 /016 W

----- 024782

R 152300Z APR 75

FM AMCONSUL MATAMOROS

TO SECSTATE WASHDC 078

INFO AMEMBASSY MEXICO

UNCLAS MATAMOROS 012

E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: CONGRESSIONAL HEARINGS ON AMPRISONERS

REF: STATE 083531; MEXICO 3181

1. AS INDICATED MEXICO 3181, PRACTICE OF FEDERAL PROSECUTORS IS TO DENY CONSULAR NOTIFICATION OR ACCESS TO PRISONERS UNTIL INVESTIGATIVE PHASE COMPLETED AND ACCUSED IS "CONSIGNED." BOTH FEDERAL AND LOCAL PROSECUTORS THIS DISTRICT HAVE INFORMALLY ADMITTED THIS POLICY DIRECTED BY FEDERAL ATTORNEY GENERAL, AND IT IS INVARIABLY FOLLOWED BY THEM DESPITE VIGOROUS ORAL REPRESENTATIONS BY CONSULATE WHENEVER WE LEARN OF DETENTION. PROSECUTORS ALLEGE THAT THIS PRACTICE NOT NECESSARILY BAD, SINCE THEIR INVESTIGATIONS FREQUENTLY REVEAL INSUFFICIENT GROUNDS FOR PROSECUTION AND ACCUSED IS THEN FREED. OUR EXPERIENCE, HOWEVER, IS THAT BEST TIME FOR FRUITFUL DEFENSE ACTIVITY IS PRIOR TO CONSIGNATION, HENCE IT IS VITAL TO HAVE EARLY CONSULAR ACCESS SO THAT ACCUSED MAY HAVE OPPORTUNITY RETAIN LEGAL COUNSEL.

2. WRITTEN REPRESENTATIONS:

22 AUG 74-FED.DIST. COURT; PROLONGED PRETRIAL CONFINEMENT--
SENTENCED 7 JAN 75:

RICHARD T. ERDOS - - - - - : 5 YRS, 3 MO.

EDWARD GONZALEZ - - - - - : 5 YRS, 5 MO.

STEPHEN W. KELLEY - - - - - : 5 YRS, 5MO.

WILLIAM T. REVELL - - - - - : 5 YRS, 8 MO.

MARTIN L. SANDERS - - - - - : 5 YRS, 4 MO.

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NOTE: ORAL REPRESENTATIONS AND INQUIRIES ALSO MADE; COURT

INSISTED DELAY DUE CROWDED COURT CALENDARS.

19 DEC 74--FED. ATTY GEN, (VIA EMBASSY); DETENTION WITHOUT
CHARGES SINCE 11 NOV 74;

RANDY LARSEN ---: BOTH RELEASED 31 DEC 74 ON
RICARDO RIVERA -: PAYMENT BOND. NO FORMAL GOM RESPONSE.

3. AS NOTED DEPT'S REFERENCED INSTRUCTION PARA (4), MAJORITY OF
POST'S REPRESENTATIONS ARE ORAL AND INFORMAL, MADE DURING ROUTINE
OR SPECIAL VISITS TO LOCAL JAIL. SUCH VISITS AVERAGE AT LEAST
ONE VISIT PER WEEK THROUGHOUT YEAR AND ROUTINELY INVOLVE INTERVIEWS
WITH SEVERAL PRISONERS. ADDITIONAL SPECIAL VISITS ARE MADE TO
HANDLE PROBLEMS OF SPECIFIC INDIVIDUALS, AS NECESSARY.

ALLEGATIONS BY PRISONERS OF MISTREATMENT ARE RELATIVELY FEW,
AND MAJORITY OF THESE HAVE BEEN WITHDRAWN WHEN PRISONER IS
ASKED TO SIGN STATEMENT RECORDING ALLEGATIONS FOR PURPOSE
MAKING FORMAL REPRESENTATIONS.

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